

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

AGUSTIN NUNEZ-REYNOSO,	)	
	)	CASE NO. 4:21CV1898
Plaintiff,	)	
	)	
v.	)	JUDGE BENITA Y. PEARSON
	)	
LIEUTENANT CARTER, <i>et al.</i> ,	)	
	)	<b><u>MEMORANDUM OF OPINION</u></b>
Defendants.	)	<b><u>AND ORDER</u></b>

Pending before the Court is [ECF No. 1](#) Plaintiff's Complaint. Having reviewed the record, the Court orders Plaintiff to file an Amended Complaint, a complete application to proceed *in forma pauperis*, and all necessary materials to initiate and effectuate service of process, within 30 days of the date of this Order.

*Pro se* Plaintiff Agustin Nunez-Reynoso, a federal inmate currently incarcerated at FCI Three Rivers in Texas, originally filed this action in the District Court for the Southern District of Texas ([ECF No. 1](#), the "Texas action"). The District Court for the Southern District of Texas found that Plaintiff alleged Eighth Amendment claims under [42 U.S.C. § 1983](#) arising from incidents that occurred at both FCI Three Rivers and FCI Elkton in Ohio, where Plaintiff was previously incarcerated. The District Court severed "Plaintiff's Eighth Amendment claims against federal officials at FCI-Elkton" from the Texas action, ordered that a new case be opened

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concerning events that allegedly occurred at FCI Elkton, and transferred the new case to this Court. [ECF No. 2 at PageID #: 33<sup>1</sup>](#)

This case was opened against Defendants Lieutenant Carter and “John or Jane Doe officials from FCI-Elkton” on October 7, 2021. [ECF No. 4](#) On November 1, 2021, Plaintiff filed a motion to proceed *in forma pauperis*. [ECF No. 6](#)

The Court, like the District Court for the Southern District of Texas, must require Plaintiff to file an Amended Complaint in this action specifying *only* the claims he seeks to assert against federal officials at FCI Elkton and which pertain to events and conduct he contends occurred there (which were the only claims that the District Court for the Southern District of Texas transferred to the Northern District of Ohio). Accordingly, Plaintiff has thirty days from the date of this Order to file an Amended Complaint in this case specifying the claims he seeks to assert against federal prison officials at FCI Elkton. The Amended Complaint should list each federal official at FCI Elkton Plaintiff seeks to sue, and with respect to each such Defendant, state the specific claims he alleges, the facts supporting his claims, and what remedies he seeks.

Additionally, Plaintiff’s motion to proceed *in forma pauperis* in this case is deficient. It is not accompanied by a certified prisoner account statement as required. Also, Plaintiff has not provided the Court with completed Marshal forms and summonses necessary for service of process should the Court determine that the action is sufficient to proceed past screening under the Prison Litigation Reform Act, [28 U.S.C. §§ 1915\(e\) and 1915A](#).

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<sup>1</sup>The District Court then required Plaintiff to file an Amended Complaint in the Texas action, specifying only the claims he sought to assert against federal prison officials at FCI-Three Rivers. [Id. at PageID #: 34-35](#).

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Therefore, if Plaintiff wishes to proceed with this action, in addition to filing an Amended Complaint as described above, he is also ordered, within thirty days of the date of this Order, to file a complete application to proceed *in forma pauperis* and all necessary materials to initiate and effectuate service of process. Specifically, he must provide **one** completed U.S. Marshal form, **two** completed summonses, and a complete copy of his Amended Complaint for **each** Defendant he seeks to sue. A form application to proceed *in forma pauperis* accompanies this Order, and the Clerk's Office is directed to send U.S. Marshal forms and summonses to Plaintiff.

Upon receipt of the Amended Complaint, a complete application to proceed *in forma pauperis*, including a certified copy of Plaintiff's prisoner account statement, and all materials necessary for service of process, the Court will review Plaintiff's pleading under the Prison Litigation Reform Act and determine whether and to what extent it is sufficient to proceed and, if appropriate, forward the matter to the U.S. Marshal for service.

Plaintiff is notified that this action may be dismissed for want of prosecution without further notice if he fails to comply with all requirements of this Order.

IT IS SO ORDERED.

January 21, 2022  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge